



Docket No.  
49138 (71417)

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on September 21, 2001 as United States Application No. or PCT International Application Number 09/961,128 and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/236,767

September 29, 2000

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

David G. Conlin, Reg. No. 27,026

George W. Neuner, Reg. No. 26,964

Linda M. Buckley, Reg. No. 31,003

Peter F. Corless, Reg. No. 33,860

Peter J. Manus, Reg. No. 26,766

Cara Z. Lowen, Reg. No. 38,227

William J. Daley, Jr., Reg. No. 35,487

Christine C. O'Day, Reg. No. 38,256

Robert L. Buchanan, Ph.D., Reg. No. 40,927

Lisa S. Hazzard, Reg. No. 44,368

David A. Tucker, Reg. No. 27,840

George W. Hartnell, III, Reg. No. 42,639

John B. Alexander, Reg. No. 48,399-P

Steven M. Jensen, Reg. No. 42,693

Kathryn A. Piffat, Ph.D., Reg. No. 34,901

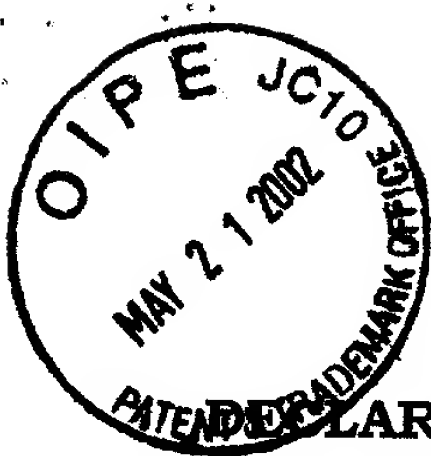
Richard J. Roos, Reg. No. 45,053

Send Correspondence to: David G. Conlin, Esq.  
Dike, Bronstein, Roberts & Cushman, Intellectual Property Practice Group  
Edwards & Angell, LLP  
P.O. Box 9169, Boston, Massachusetts 02209

Direct Telephone Calls to: *(name and telephone number)*  
(617) 439-4444

Full name of sole or first inventor <b>Marianne Kearney</b>	<i>12/10/01</i> Date
Sole or first inventor's signature <i>Marianne Kearney</i>	
Residence <b>Watertown, Massachusetts</b>	
Citizenship <b>U.S.</b>	
Post Office Address <b>162 Waverly Avenue, Watertown Massachusetts 02472</b>	

Full name of second inventor, if any <b>Jeffrey M. Isner</b>	
Second inventor's signature	Date
Residence <b>Weston, Massachusetts</b>	
Citizenship <b>U.S.</b>	
Post Office Address <b>34 Brenton Road, Weston Massachusetts 02193</b>	



**DECLARATION AND POWER OF ATTORNEY  
ON BEHALF OF DECEASED NAMED INVENTOR**

I, Linda ISNER hereby declare and state that Linda ISNER is a citizen of the United States of America, residing at 34 Brenton Road, Weston, Massachusetts 0219 and having a mailing address of 34 Brenton Road, Weston, Massachusetts 02193 and that I am executing and signing the within Declaration and Power of Attorney as legal representative of the following deceased named inventor.

Jeffrey ISNER

Name of Deceased Inventor

United States of America

Country of Citizenship of Deceased Inventor

Weston, Massachusetts

Residence of Deceased Inventor

34 Brenton Road, Weston, Massachusetts 02193

Mailing Address of Deceased Inventor

That, upon information and belief, I aver those facts that the deceased named inventor is required to state.

Jeffrey ISNER, the deceased inventor, is an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**ENDOTHELIAL CELL MITOGEN BIOASSAY**

which is described and claimed in:

☐ the specification attached hereto.

☒ the specification in U.S. Application Serial Number 09/961,128 filed on

September 21, 2001.

☐ the specification in PCT international application Number \_\_\_\_\_,  
filed on \_\_\_\_\_; and was amended on \_\_\_\_\_.

I as legal representative of the deceased named inventor, hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I as legal representative of the deceased named inventor, acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a). I as legal representative of the deceased named inventor, hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign/PCT Applications and Any Priority Claims Under 35 U.S.C. §119:			
Application No.	Filing Date	Country	Priority Claimed Under 35 U.S.C. §119?
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I as legal representative of the deceased named inventor, hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I as legal representative of the deceased inventor, acknowledge the duty to disclose material information as defined in 37 CFR §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Applications or PCT International Applications Designating the U.S-Benefit Under 35 U.S.C. §120					
U.S. Applications			Status (Check One)		
Application Serial No.	U.S. Filing Date	Patented	Pending	Abandoned	
PCT Applications Designating the U.S.					
Application No.	Filing Date	U.S. Serial No. Assigned			

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
**(35 U.S.C. §119(e))**

I as legal representative of the deceased named inventor, hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Applicant	Provisional Application Number	Filing Date
Kearney, et al.	60/236,767	September 29, 2000

**POWER OF ATTORNEY:** I as legal representative of deceased named inventor **Jeffrey ISNER**, hereby appoint the following attorney(s) with full powers of association, substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

David G. Conlin	(Reg. No. 27,026)	Christine C. O'Day	(Reg. No. 38,256)	Peter J. Manso	(Reg. No. 32,264)
George W. Neuner	(Reg. No. 26,964)	Lisa Swiszc Hazzard	(Reg. No. 44,368)	T. Carter Pledger	(Reg. No. 29,424)
Linda M. Buckley	(Reg. No. 31,003)	David A. Tucker	(Reg. No. 27,840)	Dianne M. Rees	(Reg. No. 45,281)
Peter F. Corless	(Reg. No. 33,860)	George W. Hartnell, III	(Reg. No. 42,639)	Edward J. Adamson	(Reg. No. 50,927)
Peter J. Manus	(Reg. No. 26,766)	John B. Alexander	(Reg. No. 48,399)	John J. Penny, Jr.	(Reg. No. 36,984)
Cara Z. Lowen	(Reg. No. 38,227)	Steven M. Jensen	(Reg. No. 42,693)	Howard M. Gitten	(Reg. No. 32,138)
William J. Daley, Jr	(Reg. No. 35,487)	Kathryn A. Piffat	(Reg. No. 34,901)		
Robert L. Buchanan	(Reg. No. 40,927)	Richard J. Roos	(Reg. No. 45,053)		

<b>SEND CORRESPONDENCE TO:</b> David G. Conlin Edwards & Angell, LLP Dike, Bronstein, Roberts & Cushman <i>Intellectual Property Practice Group</i> P.O. Box 9169 Boston, Massachusetts 02209	<b>DIRECT TELEPHONE CALLS TO:</b>  Kathryn A. Piffat, Ph.D. (617) 439-4444
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I individually and as legal representative of deceased named inventor **Jeffrey M. ISNER**, hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

On Behalf of Deceased Inventor

**Jeffrey Isner**\_\_\_\_\_

Date: May 16, 2002

Linda Isner

Name: **Linda ISNER**

Legal Representative



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27 (d)) - NONPROFIT ORGANIZATION**

Docket No.  
49138 (71417)

Serial No.  
09/961,128

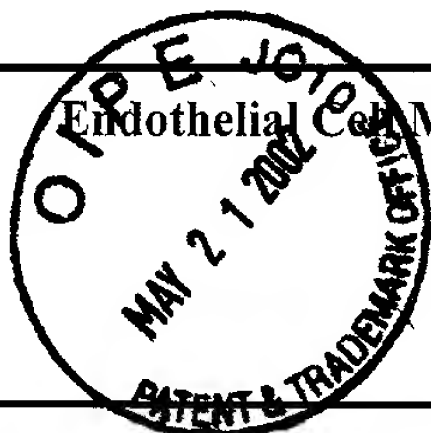
Filing Date  
September 21, 2001

Patent No.  
N/A

Issue Date  
N/A

Applicant/  
Patentee: Marianne Kearney and Jeffrey M. Isner

Invention: Endothelial Cell Mitogen Bioassay



I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: St. Elizabeth's Medical Center of Boston, Inc.

ADDRESS OF ORGANIZATION: 736 Cambridge Street  
Boston, Massachusetts 02135
**TYPE OF NONPROFIT ORGANIZATION:**

- ☒ University or other Institute of Higher Education
- ☐ Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3))
- ☐ Nonprofit Scientific or Educational under Statute of State of The United States of America  
Name of State: \_\_\_\_\_ Citation of Statute: \_\_\_\_\_
- ☐ Would Qualify as Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if Located in The United States of America
- ☐ Would Qualify as Nonprofit Scientific or Educational under Statute of State of The United States of America if Located in The United States of America  
Name of State: \_\_\_\_\_ Citation of Statute: \_\_\_\_\_

I hereby declare that the above-identified nonprofit organization qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification to be filed herewith.
- ☒ the application identified above.
- ☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).



Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below.

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

John R. Fitzgerald

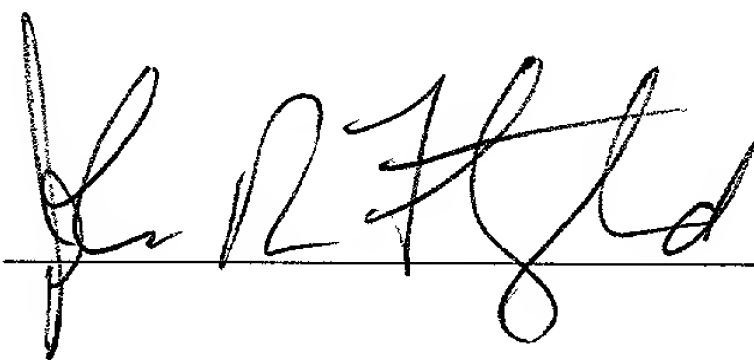
TITLE IN ORGANIZATION:

Vice President of Finance

ADDRESS OF PERSON SIGNING:

St. Elizabeth's Medical Center of Boston, Inc.736 Cambridge StreetBoston, Massachusetts 02135

SIGNATURE:



DATE:

11/8/01